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10 Attorneys for Plaintiff and
Cross-Defendant CHURCH OF
SCIENTOLOGY INTERNATIONAL

RECEIVED
JUL 25 1994
HUB LAW OFFICES

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF MARIN

14 CHURCH OF SCIENTOLOGY) CASE NO. 157 680
15 INTERNATIONAL, a California not-)
for-profit religious corporation;) DECLARATION OF LAURIE J.
16 Plaintiffs,) BARTILSON IN SUPPORT OF
17 vs.) CHURCH OF SCIENTOLOGY
18) INTERNATIONAL'S EX PARTE
GERALD ARMSTRONG; MICHAEL WALTON;) APPLICATION TO HAVE HEARING
19 et al.,) ON SUMMARY JUDGMENT MOTION
20 Defendants.) SET BEFORE NEXT AVAILABLE
DATE OR, IN THE
21) ALTERNATIVE, TO HAVE
GERALD ARMSTRONG,) HEARING ON SUMMARY JUDGMENT
22) MOTION WITHIN 30 DAYS OF
Cross-Complainant,) TRIAL DATE
23 vs.)
24)
CHURCH OF SCIENTOLOGY) DATE: July 25, 1994
25 INTERNATIONAL, a California) TIME: 9:30 a.m.
Corporation; DAVID MISCAVIGE;) DEPT: 1
26 DOES 1 to 100;)
27 Cross-Defendants.) DISC. CUT-OFF: Aug. 30,
1994
MOTION CUT-OFF: Sept. 13,
1994
TRIAL DATE: Sept. 29, 1994

1 I, Laurie J. Bartilson, hereby declare:

2 1. My name is Laurie Bartilson. I represent plaintiff,
3 Church of Scientology International in this action. I have
4 personal knowledge of the facts set forth in this Declaration and
5 could competently testify thereto if called as a witness.

6 2. On behalf of the Church, I have prepared a motion for
7 summary judgment concerning Armstrong's cross-complaint which is
8 ready to be filed and served. The motion establishes that the
9 undisputed material facts require judgement in the Church's favor
10 of Armstrong's abuse of process claims.

11 3. On July 21, 1994, my paralegal, Gaabriel Becket, called
12 the calendar clerk of this court and spoke with Mike. Mike
13 informed her that the next available date on which he could
14 schedule a motion for summary judgment for hearing in Department
15 1 was September 9, 1994. Ms. Becket told Mike that the Church's
16 motion had to be heard no later than thirty days before the trial
17 date of September 29, 1994. Mike replied that we would be
18 required to bring an ex parte application for relief in order to
19 schedule the motion.

20 4. Armstrong filed the Second Amended Cross-complaint in
21 this action April 15, 1994. The Church demurred and moved to
22 strike portions of the complaint. The demurrer was overruled by
23 this Court on June 17, 1994. However, in ruling on the Church's
24 demurrer and motion, the Court also ordered much of the Second
25 Amended Cross-complaint stricken, finding that only two
26 allegations supported Armstrong's claim for abuse of process.

27 5. At the hearing on the demurrer, Ford Greene,
28 Armstrong's lawyer, sought and obtained leave to file a Third

1 Amended Cross-complaint. He has never done so.

2 6. Prompt resolution of the Church's summary judgment
3 motion in favor of the Church would significantly reduce the
4 length of trial in this action by limiting the issues to those
5 raised by the complaint and the answer.

6 7. On Friday, July 22, 1994 at 1:45 p.m., I called the law
7 offices of Mr. Greene. The telephone was answered by Gerald
8 Armstrong. When I asked Armstrong if I could speak to Mr.
9 Greene, Armstrong informed me that Mr. Greene would not be in the
10 office until after 5:00 p.m. I then gave Armstrong the message
11 to give to Mr. Greene that I intended to bring an ex parte
12 application at 9:30 a.m. on Monday, July 25, seeking to have the
13 Church's summary judgment motion set for hearing either prior to
14 the Court's next available date, or on that date, but fewer than
15 thirty days prior to trial. Armstrong stated that he would
16 deliver the message to Mr. Greene.

17 8. On the afternoon of July 22, 1994, I also attempted to
18 reach Michael Walton, a defendant in the action who is not a
19 party to the cross-complaint, at the number appearing on his
20 business card, 415-456-7920. There was no answer at this number.

21 I declare under the penalty of perjury under the laws of the
22 State of California that the foregoing is true and correct.

23 Executed this 22nd day of July, 1994, at Los Angeles,
24 California.

25 
26 Laurie J. Bartilson
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 235 Montgomery Street, Suite 450, San Francisco, CA 94104.

On _____ I served the foregoing document described as DECLARATION OF LAURIE J. BARTILSON IN SUPPORT OF CHURCH OF SCIENTOLOGY INTERNATIONAL'S EX PARTE APPLICATION TO HAVE HEARING ON SUMMARY JUDGMENT MOTION SET BEFORE NEXT AVAILABLE DATE OR, IN THE ALTERNATIVE, TO HAVE HEARING ON SUMMARY JUDGMENT MOTION WITHIN 30 DAYS OF TRIAL DATE on interested parties in this action,

[] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [] the original [X] true copies thereof in sealed envelopes addressed as follows:

FORD GREENE
HUB Law Offices
711 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

MICHAEL WALTON
P.O. Box 751
San Anselmo, CA 94979

[] BY MAIL

[] *I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of

business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on _____, at Los Angeles, California.

[] **(BY PERSONAL SERVICE) I delivered such envelopes by hand to the offices of the addressees.

Executed on _____, at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Print or Type Name

Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

** (For personal service signature must be that of messenger)